

Amendments to the Drawings

The attached drawing sheets include changes to Figs. 6, 7 and 8.

The sheet containing Fig. 6, which includes Fig. 5, replaces the original sheet. In Fig. 6, previously omitted reference numeral 1100 has been added and the first occurrence of reference numeral 1104, identifying the user station, has been changed to reference numeral 1102. Reference numeral 1120 has been moved to accommodate the lead line. Support for these changes can be found in paragraph [0046] of the specification.

The sheet containing Fig. 7 replaces the original sheet. In Fig. 7, reference numeral S160 has been changed to reference numeral S370. Support for this change can be found in paragraph [0058] of the specification.

The sheet containing Fig. 8 replaces the original sheet. In Fig. 8, reference numeral S346 has been changed to reference numeral S344. Support for this change can be found in paragraphs [0061] and [0062] of the specification.

Attachment: Replacement sheet
Annotated sheet showing changes

REMARKS

Claims 1 and 3-53 are pending in the application; claim 2 was canceled by previous amendment. Claims 1 and 3-53 presently stand rejected. Certain paragraphs of the specification and figures in the drawings have also been amended to correct typographical informalities. No new matter has been added. Reconsideration and allowance of claims 1 and 3-53 are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

1. The Examiner has rejected claims 1, 3-4, and 6-53 under 35 U.S.C. §§ 102 (a) & (e) as being anticipated by U.S. Patent App. Publication No. 2003/0126049 by *Nagan et al.* (*Nagan*). Applicants traverse this rejection.

As to claim 1:

The Examiner alleges that *Nagan* paragraphs 65 and 75 disclose “determining from [an] overall question set a basic question set . . . ,” as claimed by Applicants. *Nagan* teaches, however, prompting for refining questions (para. 65) and bypassing remaining questions in response to answers (paras. 65 and 75). *Nagan* indicates that “[c]ertain categories or question segments or sections” can receive an indication of high risk (para. 75).

In contrast, Applicants’ claim 1 recites, inter alia, determining a basic question set from an overall question set such that “the basic question set comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given.” *Nagan* fails to teach that its “[c]ertain categories or question segments or sections” are in sequence or contain a minimum number of questions, the answers to which would be sufficient to meet regulatory criteria.” Rather, *Nagan* is merely directed to assessing risk. See para. 30. *Nagan* contains no teaching whatsoever regarding unexpected answers. Because *Nagan* does not meet one or more limitations of claim 1, for at least this reason, claim 1 is allowable over the reference.

Additionally, the Examiner alleges that *Nagan* paragraphs 58, 65 and 76 disclose “providing criteria for supplementing the basic question set with additional questions from the overall question set . . . ,” as claimed by Applicants. *Nagan* teaches, however, that “[s]ome questions can trigger other questions in a branching decision tree” (para. 58; *see also* paras. 65 and 76), which serves to help “refine the collected information.” (para. 76; *see also* para. 65).

In contrast, Applicants’ claim 1 recites, inter alia, “providing criteria for supplementing the basic question set with additional questions from the overall question set within the sequence of the basic question set based on receiving an answer that differs from the expected answer, wherein the criteria are structured to minimize the number of remaining questions . . . to comply with the regulatory criteria.” *Nagan* fails to disclose that the “other questions” come from an overall question set, or that the “other questions” appear within the sequence of the basic question set. In fact, *Nagan* teaches away from the claim 1 limitation reciting “supplementing the basic question set with additional questions from the overall question set within the sequence of the basic question set” since *Nagan* teaches that the “other questions” deviate from the initial question category “in a branching decision tree.” Questions that branch away are NOT within the sequence of the basic question set, as claimed by Applicants. Additionally, *Nagan* contains no disclosure as to structuring criteria to minimize questions and complying with regulatory criteria, and neither does *Nagan* contain disclosure regarding answers that differ from expected answers. As to the Examiner’s assertion that *Nagan*’s disclosure of bypassed questions is a “minimizing [of] the questions asked,” Applicants note that *Nagan* discloses bypassing questions because the questions have become moot, which is not the same structuring criteria “to minimize the number of remaining questions that must be answered in order to comply with the regulatory criteria.” Because *Nagan* does not meet one or more limitations of claim 1, for at least this reason, claim 1 is allowable over the reference.

Finally, the Examiner alleges that *Nagan* paragraphs 27, 72 and 75-76 disclose “conducting an optimized interactive customer survey . . . wherein the basic question set is supplemented according to criteria . . . ,” as claimed by applicants. *Nagan* teaches that the series of targeted questions can be updated to accommodate new court decisions, changes to regulations and statutes, etc. (para. 27). *Nagan* also teaches capturing data in any format, and if data is furnished via paper forms, then such paper-based data is converted into electronic form

(para. 72), and *Nagan* teaches assessing risk and question bypass (para. 75) and question branching (para. 76).

In contrast, Applicants' claim 1 recites, inter alia, "conducting an optimized interactive customer survey . . . wherein the basic question set is supplemented according to criteria each time an answer is received that differs from the expected answer, and returning to the sequence of the basic questions set once the supplemental additional questions from the overall question set are completed." *Nagan* fails to teach that the targeted questions are supplemented, and insomuch as the targeted questions are updated, such updating does not occur "according to criteria each time an answer is received that differs from the expected answer." Further, *Nagan* does not teach that the targeted questions are sequenced, and neither does *Nagan* teach "returning to the sequence of the basic questions set once the supplemental additional questions from the overall question set are completed." Because *Nagan* does not meet one or more limitations of claim 1, for at least this reason, claim 1 is allowable over the reference.

For all the reasons above, *Nagan* fails to teach or disclose one or more limitations recited by Applicants' claim 1, which is therefore allowable over the reference.

As to claims 3-4 and 6-14:

Claims 3-4 and 6-14 depend from independent claim 1. As discussed above, independent claim 1 is distinguishable from the disclosure of *Nagan* and is therefore allowable over that reference. Accordingly, claims 3-4 and 6-14 are also allowable since they each depend from an allowable base claim.

As to claims 16-53:

The Examiner rejects claims 16-53, without citation, on the same basis as the rejection of claims 1, 3-4 and 6-14. In reply, Applicants similarly reference their response to the rejection of claims 1, 3-4 and 6-14. Accordingly, because claims 1, 3-4 and 6-14 are patentable over *Nagan*, so, too, are claims 16-53, which are therefore in a position for allowance. Please note, however, that at a minimum, *Nagan* fails to teach or disclose the following limitations recited within the identified independent claims.

As to claim 16:

Nagan fails to teach or disclose “displaying . . . at least one question having an associated single expected answer . . . selected from an overall question set comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, wherein the at least one question comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given.”

As to claim 29:

Nagan fails to teach or disclose “displaying . . . at least one question having an associated single expected answer . . . selected from an optimum subset of an overall question pool comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, the optimum subset including only an optimized set of sequenced questions, wherein the optimized set of sequenced questions comprises the minimum number of questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are received.”

As to claim 40:

Nagan fails to teach or disclose “a question optimization module adapted for structuring a sequenced optimized question set having at least one question that is selectively displayable to the user, the sequenced optimized question set being structurable based at least in part on answers received from the user interface and on predetermined single expected answers associated with the questions associated with the received answers, wherein the sequenced optimized question set comprises the minimum number of questions that must be answered to comply with the regulatory criteria, and wherein the question optimization module is adapted to supplement the sequenced optimized question set with additional questions from an overall question set after receiving answers from the user that differ from the expected answer to comprise the minimum number of remaining questions that must be answered in order to comply with the regulatory criteria.”

As to claim 50:

Nagan fails to teach or disclose “displaying at least one question having an associated single expected answer, the at least one question having been selected from an overall question set comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, wherein the at least one question comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given.”

Claim Rejections – 35 U.S.C. § 103(a)

2. The Examiner has rejected claims 5 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Nagan*. Applicants traverse this rejection.

As to claims 5 and 15:

Claims 5 and 15 depend from independent claim 1. As discussed above, independent claim 1 is distinguishable from the disclosure of *Nagan* and is therefore allowable over that reference. Accordingly, claims 5 and 15 are also allowable since they each depend from an allowable base claim.

Further as to claim 5:

The Examiner alleges that *Nagan* paragraphs 58, 65, and 75-76 disclose “establishing an updated question set . . . ,” as claimed by Applicants. Paragraphs 58, 65, and 75-76 of *Nagan* teach questions as triggering other questions in a branching tree, and bypassing remaining questions as moot when certain responses are received.

In contrast, Applicants’ claim 5 recites, inter alia, “responsive to a determination that the answer differs from the expected answer, establishing an updated question set using the overall question set, the basic question set and the criteria for modifying the basic question set and displaying a question set consisting of a plurality of questions from the updated question set.” *Nagan* fails to disclose making “a determination that the answer differs from the expected answer.” *Nagan* also fails to disclose “establishing an updated question set using the overall

question set, the basic question set and the criteria for modifying the basic question.” The Examiner argues that question 3 on page 26 of the Appendix to *Nagan* is only reached if an answer of “yes” is given to question 2, and that this answer of “yes” is unexpected. Such a conclusion, however, is erroneous because the answer “yes” to question 2 is NOT unexpected, but, in fact, one of the available answer choices from which a user can select. Rather, the question series to which the Examiner refers is an example of branching, which *Nagan* describes in paragraphs 58 and 76. Branching is NOT equivalent to establishing an updated question set.

Because *Nagan* fails to teach one of more limitations of claim 5 that the Examiner asserts as being taught by the primary component of the combination under 35 U.S.C. § 103, consideration of the secondary component is moot since the Examiner has not established a prima facie rejection. For at least this reason, claim 5 is allowable over the reference.

Further as to claim 15:

The Examiner alleges that *Nagan* paragraph 73 discloses “determining for at least one basic question whether an answer to the at least one basic question may be determined from non-customer-supplied information,” as claimed by Applicants. Contrary to the Examiner’s position, however, all individuals referred to in paragraph 73 (the authorized agent, employee or representative) are identified as being representatives of the insured, “such that the answers can be treated as representations by the insured.” Because *Nagan* treats such answers “as representations by the insured,” the answers are NOT equivalent to “non-customer supplied information,” as claimed by Applicants.

Because *Nagan* fails to teach one of more limitations of claim 15 that the Examiner asserts as being taught by the primary component of the combination under 35 U.S.C. § 103, consideration of the secondary component is moot since the Examiner has not established a prima facie rejection. For at least this reason, claim 15 is allowable over the reference.


Conclusion

In view of the arguments set forth above, the Applicants submit that the present application is in condition for allowance.

The Examiner is encouraged to call Applicants' undersigned representative if further issues remain with allowance of this case.

Respectfully Submitted,

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